

My name is Grace Perez Lirio, M.D. My C.V. is attached hereto. I have never been deposed or testified as an expert medical witness.

I was asked to review the case of a rollover crash that involved Konstantin Kashper on January 26, 2017 and to address the question of whether the decedent would have survived if he had been securely belted during the time of the accident.

CASE MATERIALS PROVIDED TO ME:

Medical%20Examiner_s%20Report%20000001-000049.pdf
12118K

ExtractPage1.pdf
1262K

RICHARD J. EVANS, M.D., DEPOSITION OF - Vol.pdf
133K

MATTHEW KELLY - FULL - 040618.pdf
194K

McDonald 20180530sm.pdf
383K

2017-car-000033 final_Redacted.pdf
625K

Resources I found helpful:

Am J Forensic Med Pathol Positional Asphyxia: Death Due to Unusual Head-Down Position in a Narrow Space by Chaudhari VA1, Ghodake DG, Kharat RD.

Am J Forensic Med Pathol. 2007 Dec;28(4):330-2. Fatal positional asphyxia associated with rollover crashes. Conroy CL, Eastman AB, Stanley C, Vilke GM, Vaughan T, Hoyt DB, Pacyna S.

Arch Med Sadowej Kryminol. 2004 Apr-Sep;54(2-3):163-8. Positional asphyxia as a cause of death in a traffic accident with the driver in the "upside-down car position". Jankowski ZI, Wilmanowska A, Piešniak D, Kubiać A.

In review of the hospital records, photos and the testimonies by the medical examiner and the emergency responder, I agree that Mr. Kashper's death most likely resulted from positional and postural asphyxia.

Konstantin Kashper was found rolled and curled over, upside down with his head against the roof of an overturned vehicle. The mechanical obstruction caused by cervical flexion compromised his airway, breathing and circulation. The distribution of the petechiae and bruise around his neck and subconjunctival hemorrhage confirm vascular congestion resulting from impedance of venous return seen in asphyxiation.

My opinions with reasonable medical and scientific certainty include:

- 1) Konstantin Kashper was alive prior to his vehicle contacting the rock wall. There would not have been petechiae and bruise if Mr. Kashper had predeceased.
- 2) It is more likely than not that if Konstantin Kashper had been securely restrained with a seatbelt, Konstantin Kashper would have survived the event of January 26, 2017. The seatbelt would have prevented/eliminated Kashper's body from going into cervical flexion and allowed his airways to remain patent.
- 3) The medical literature and consensus is that someone injured such as Konstantin Kashper would have six minutes before anoxic brain damage ensues and eventual cessation of all bodily function leading to death.

Signed under the pains and penalties of perjury this 6th day of August 2018.

Grace Perez-Lino, MD